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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00292-CW
)	
Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
v.)	HEARING DATE TO AUGUST 25, 2010
)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND PROPOSED
RAMON POWELL,)	ORDER
)	
Defendant.)	
)	Hearing Date: July 28, 2010
)	Time: 10:00 a.m.

The above-captioned matter is set on July 28, 2010 before this Court for a status hearing. The parties jointly request that the Court continue the matter to August 25, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between July 28, 2010 and August 25, 2010.

On April 15, 2010, the Grand Jury charged Mr. Powell with possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). If convicted, Mr. Powell faces a statutory maximum of 40 years and a mandatory minimum sentence of five years.

The current status of the case is that the parties are negotiating this matter and anticipate that there will be a negotiated disposition of the case. If there is a negotiated disposition, the parties plan to submit a proposed plea agreement to the Court at least two days in advance of the

1 requested hearing date. In the meantime, the government has produced discovery to the defense
 2 and defense counsel needs additional time to review and process the discovery provided. The
 3 defense also requires additional time to complete its investigation of the circumstances of the
 4 offense and to assess and confirm Mr. Powell's Guidelines range.

5 The requested continuance will allow the defense to complete its review of the discovery,
 6 to investigate the underlying facts of the case, and to research and to confirm Mr. Powell's
 7 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
 8 would unreasonably deny counsel for defendant the reasonable time necessary for effective
 9 preparation, taking into account the exercise of due diligence.

10 The parties further stipulate and agree that the ends of justice served by this continuance
 11 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
 12 parties agree that the period of time from July 28, 2010 to August 25, 2010, should be excluded
 13 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
 14 (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
 15 diligence.

16
 17 DATED: July 26, 2010

18 /S/
 WADE RHYNE
 Assistant United States Attorney

19
 20 DATED: July 26, 2010

21 /S/
 ANGELA M. HANSEN
 Assistant Federal Public Defender

22 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
 23 within this e-filed document.

/S/ ANGELA M. HANSEN

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of July 28, 2010 scheduled at 10:00 a.m. is vacated and reset for August 25, 2010, at 10:00 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from July 28, 2010 to August 25, 2010.

July 27, 2010



HON. DONNA M. RYU
United States Magistrate Judge